

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICARDO CASTILLO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

UNITED RENTALS (NORTH AMERICA),
INC.,

Defendant.

No. 2:17-cv-01573 JLR

STIPULATED MOTION AND
~~PROPOSED~~ ORDER
VACATING CASE SCHEDULE

Noted for Hearing June 29, 2018

STIPULATED MOTION

Plaintiff Ricardo Castillo and Defendant United Rentals (North America), Inc. ("United Rentals") (collectively, the "Parties") stipulate as follows through their respective counsel:

1. Plaintiff filed this class and collective action on October 23, 2017, alleging claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* ("FLSA") and Washington state law.

2. On January 29, 2018, the Court entered a Case Management Order setting deadlines for briefing class certification and decertification of any collective conditionally certified under the FLSA. ECF 27.

1 3. On March 26, 2018, the Court vacated that case schedule after granting in part
2 and denying in part United Rentals' Motion to Dismiss and ordered the Parties to submit a new
3 proposed case schedule containing deadlines through class certification and FLSA collective
4 decertification by April 13, 2018. ECF 33.

5 4. On April 16, 2018, the Court issued an order on the Parties' stipulation adopting
6 the following case management dates:

- 7 a. Plaintiff's Motion for Conditional Certification – July 16, 2018;
- 8 b. Discovery cutoff for class certification and decertification – 90 days after the
9 end of the opt-in period for any conditionally-certified FLSA collective;
- 10 c. Plaintiff's motion for class certification – 30 days after the discovery cutoff
11 in 2, above. The class certification and FLSA decertification motion (if any)
12 to be briefed on the following schedule:
- 13 d. Deadline for United Rentals' opposition to Plaintiff's motion for class
14 certification, as well as United Rentals' motion to decertify any FLSA
15 collective – 30 days after Plaintiff's class certification motion;
- 16 e. Deadline for Plaintiff's reply in support of class certification, as well as
17 Plaintiff's opposition to United Rentals' motion to decertify any FLSA
18 collective – 21 days after the deadline in 3(a), above; and
- 19 f. Deadline for United Rentals' reply in support of United Rentals' motion to
20 decertify any FLSA collective – 14 days after the deadline in 3(b), above.
21 ECF 37.

22 5. The Parties were actively conducting discovery, including preparing for the
23 deposition of United Rentals' Rule 30(b)(6) corporate designee and conducting Plaintiff's
24 deposition.

25 6. Plaintiff subsequently filed a motion seeking leave to amend his complaint to
26 substitute Plaintiff Ricardo Castillo with opt-in plaintiff Sean Powell as a representative
27 plaintiff as to all causes of action. ECF 44. Plaintiff Ricardo Castillo does not intend to

1 proceed as the named plaintiff in this action. United Rentals intends to oppose Plaintiff's
2 motion seeking leave to be substituted as representative plaintiff of the putative class and
3 collective.

4 7. Given the uncertainty of the pleadings, the Parties have postponed the
5 scheduling of further depositions.

6 8. Given the uncertainty of the pleadings, the appropriate scope and course of
7 discovery, and the status of Plaintiff's potential claims under the FLSA, the Parties agree that
8 the April 16, 2018 case management dates should be vacated until the Court has an opportunity
9 to rule upon Plaintiff's motion seeking leave to amend his complaint.

10 9. The Parties agree that the most efficient way to proceed is for the Parties to
11 jointly propose to the Court new case management dates in the event the Court eventually
12 grants Plaintiff's motion to amend.

13 Therefore, the Parties respectfully request that the Court enter the accompanying
14 Proposed Order vacating the case management dates previously set forth in the Court's April
15 16, 2018 Order. The Parties will jointly submit new proposed case management dates, if
16 appropriate, after the Court has ruled on Plaintiff's pending motion to amend his complaint.

17 IT IS SO STIPULATED.
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Respectfully submitted this 29th day of June, 2018.

TERRELL MARSHALL LAW GROUP PLLC DAVIS WRIGHT TREMAINE LLP

By: /s/ Erika L. Nusser

Beth E. Terrell, WSBA No. 26759
Jennifer Rust Murray, WSBA No. 36983
Erika L. Nusser, WSBA No. 40854
Terrell Marshall Law Group PLLC
936 North 34th Street, Suite 300
Seattle, WA 98103
Telephone: (206) 816-6603
Email: bterrell@terrellmarshall.com
jmurray@terrellmarshall.com
enussesr@terrellmarshall.com

By: /s/ Sheehan Sullivan Weiss

Sheehan Sullivan Weiss, WSBA No. 33189
Ryan C. Hess, WSBA No. 50738
Arthur A. Simpson, WSBA No. 44479
1201 Third Ave, Suite 2200
Seattle, WA 98101
Telephone: (206) 622-3150
Email: sheehansullivanweiss@dwt.com
ryanhess@dwt.com
arthursimpson@dwt.com

Attorneys for Defendant

SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS, LLP

By: /s/ Carolyn Hunt Cottrell

Carolyn Hunt Cottrell, *Admitted Pro Hac Vice*
David C. Leimbach, *Admitted Pro Hac Vice*
Schneider Wallace Cottrell Konecky Wotkyns,
LLP
2000 Powell Street, Suite 1400
Emeryville, CA 94608
Phone: (415) 4221-7100
Email: ccottrell@schneiderwallace.com
dleimbach@schneiderwallace.com

Attorneys for Plaintiff

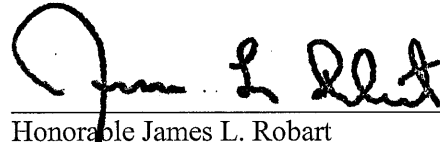
~~PROPOSED~~ ORDER

Pursuant to the accompanying stipulation, and for good cause shown, the Court GRANTS the stipulation.

The Court accordingly vacates the case schedule previously set forth in the Court's April 16, 2018 Order. The Parties are hereby ORDERED to jointly confer regarding the propriety and terms of a revised case management schedule within 14 days of the Court's entry of an order upon Plaintiff's pending motion to amend his complaint.

IT IS SO ORDERED.

Dated: ^{JUL}~~July~~ 29, 2018.



Honorable James L. Robart
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

DATED this 29th day of June, 2018.

/s/ Mendy Graves
Mendy Graves